



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,062	03/14/2001	Marianne Duldhardt	ZTP 98 P 2026 PC-US	2931

7590 01/15/2003
LERNER AND GREENBERG, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480

EXAMINER

FUREMAN, JARED

ART UNIT	PAPER NUMBER
----------	--------------

2876

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,062

Applicant(s)

DULDHARDT, MARIANNE

Examiner

Jared J. Fureman

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-6 and 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6 and 10-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Receipt is acknowledged of the amendment filed on 10/24/2002, which has been entered in the file. Claims 1-6 and 10-22 are pending.

Claim Objections

1. Claim 12 is objected to because of the following informalities:

Claim 12, lines 1-2: "at least one transponder has" should be replaced with --plurality of transponders have--, since claim 1 has been amended to require a plurality of transponders.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 and 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewster et al (GB 2 073 550 A, previously cited) in view of the admitted prior art.

Brewster et al teaches a product care label (see figures 1 and 2) to be attached to a textile product (laundry articles), comprising: a label including information on suitable care of a textile product (a punch pattern or external color code readable by a human, representative of laundering sequences), a plurality of transponders (see figures 1, 2, page 1 lines 54-60, and page 5 lines 18-35) each attached to the label, each having a respective electronic component (pads 11, 14, tails 12, 15, etc.), and

Application/Control Number: 09/808,062

Art Unit: 2876

each being associated with a respective care instruction (the frequency of the transponders indicate a laundering sequence), each respective electronic component holding information corresponding to a respective care instruction, wherein the information held by the electronic component is electronic information, wherein the electronic component is applied to the label, wherein the electronic component is printed on the textile carrier part, wherein the electronic component is a flat chip/coil (the pads 11 and 14 represent a chip and the spiral tail 12 represents a coil), wherein the plurality of transponders have a synthetic resin encasing (an additional layer of plastic over the circuit pattern) the electronic component, simultaneously attaching a plurality of transponders onto a carrier tape (a label), wherein the carrier tape is a plastic tape, wherein the attaching step is performed by simultaneously applying/printing the plurality of transponders to the carrier tape, pressing/introducing (via printing) a flat chip/coil (the pads 11 and 14 represent a chip and the spiral tail 12 represents a coil) into a synthetic resin casing (an additional layer of plastic over the circuit pattern printed on the plastic label) (see figures 1, 2, page 1 lines 7-12, 26-32, 54-60, 78-88, page 2 lines 24-56, page 2 line 98 - page 3 line 4, page 3 lines 12-34, and page 5 lines 18-35).

Brewster et al fails to specifically teach the label being a textile carrier part having a plurality of care symbols, each of the transponders being associated with a respective care symbol, the information corresponding to a respective care symbol, printing a care symbol onto a carrier tape, wherein the carrier tape is a textile tape.

The admitted prior art teaches that product care labels are usually made of textile or plastic strips or tabs onto which care instructions in the form of symbols are printed, woven, or embroidered (see page 2, line 21 - page 4, line 16, of the specification).

In view of the admitted prior art, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system and method as taught by Brewster et al, the label being a textile carrier part having a plurality of care symbols, each of the transponders being associated with a respective care symbol, the information corresponding to a respective care symbol, printing a care symbol onto a carrier tape, wherein the carrier tape is a textile tape, in order to provide a label containing conventional human readable care symbols as well as machine readable care instructions, thus allowing a user without appropriate electronic equipment to determine the proper care of the textile product, thereby providing compatibility with conventional systems.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brewster et al as modified by the admitted prior art further in view of Tuttle et al (US 6,078,791, previously cited).

The teachings of Brewster et al as modified by the admitted prior art have been discussed above.

Brewster et al as modified by the admitted prior art fails to teach wherein the attaching step is performed by fastening the plurality of transponders on the carrier tape with an adhesive.

Tuttle et al teaches a transponder label and a method of producing a transponder label, comprising: printing an electronic component/transponder (loop antenna 19) on a carrier part/tape, fastening the at least one transponder on the carrier tape with an adhesive (epoxy) (see figures 1B, 11, 12, column 2 lines 20-57, column 3 lines 44-51, column 4 line 62 - column 5 line 17, column 6 lines 36-50, column 11 lines 6-18, 43-58, column 12 lines 10-27).

In view of Tuttle et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system and method as taught by Brewster et al as modified by the admitted prior art, wherein the attaching step is performed by fastening the plurality of transponders on the carrier tape with an adhesive, in order to allow efficient mass production of the labels.

Response to Arguments

5. Applicant's arguments with respect to claims 1-6 and 10-22 have been considered but are moot in view of the new ground(s) of rejection. As discussed above, Brewster et al teaches the use of a plurality of transponders to identify the care instructions for textiles.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blama (US RE37,956 E) teaches a plurality of transponders attached to a substrate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703)

Application/Control Number: 09/808,062

Art Unit: 2876

305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jared J. Fureman
Jared J. Fureman
January 10, 2003